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Attorneys for Plaintiff Condies Foods, Inc.

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CONDIES FOODS, INC.,

Plaintiff,

v.

POPLAR VILLAS, LLC dba ISIS AND  
SANFORD; POPLAR VILLAS, LLC dba  
ISIS FOOD; ISIS FOOD COMPANY;  
HUSSEIN TAWFIK; and DOES 1 through  
10,

Defendants.

CASE NO. C09-05674 VRW

**STIPULATION REQUESTING THAT  
ORDER OF DISMISSAL BE VACATED**

Plaintiff Condies Foods, Inc. ("Condies Foods") and Defendants Poplar Villas, LLC dba Isis and Sanford, Poplar Villas, LLC dba Isis Food, Isis Food Company, and Hussein Tawfik ("Defendants") stipulate and agree to the following:

1. The parties settled this action at a mediation session on June 2, 2010; however, the paperwork necessary to effectuate the agreement was not completed until just recently. In the meantime, however, on June 22, 2010, the court entered the following Order:

"ORDER OF DISMISSAL. Having advised the court that the parties have agreed to a settlement; IT IS HEREBY ORDERED that this cause of action be dismissed with prejudice, provided, however, that if any party hereto shall certify to this court, within ninety days, with proof of service of a copy thereof that the agreed consideration for said settlement has not been delivered over, the foregoing order shall stand vacated and this cause

shall forthwith be restored to the calendar to be set for trial.”

2. Concurrently with the filing of this Stipulation, the parties have filed a Stipulation for Entry of Judgment; [Proposed] Order, Judgment, and Judgment in the Event of Default under the Stipulation, in which the parties propose a complete dismissal of the action, but with the Court retaining exclusive jurisdiction to enforce and interpret the Order and Judgment and the Stipulation for Entry of Judgment

3. Consequently, the parties respectfully request that the Court vacate its Order of Dismissal entered on June 22, 2010, and consider for approval the Stipulation for Entry of Judgment; [Proposed] Order, Judgment, and Judgment in the Event of Default, which is filed concurrently with this Stipulation.

**IT IS SO STIPULATED & AGREED:**

Date: July \_\_\_, 2010

RYNN & JANOWSKY, LLP

/s/ Marion I. Quesenbery

Marion I. Quesenbery

Attorneys for Plaintiff Condies Foods, Inc.

Date: July \_\_\_, 2010

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Attorneys for Defendants

Attorney for Defendants Poplar Villas, LLC dba Isis and Sanford, Poplar Villas, LLC dba Isis Food, Isis Food Company, and Hussein Tawfik

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RYNN & JANOWSKY, LLP

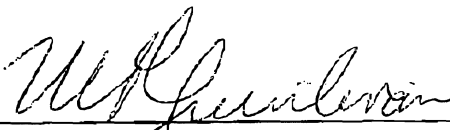
/s/ Marion I. Quesenbery

Marion I. Quesenbery

Attorneys for Plaintiff Condies Foods, Inc.

Date: July 16, 2010

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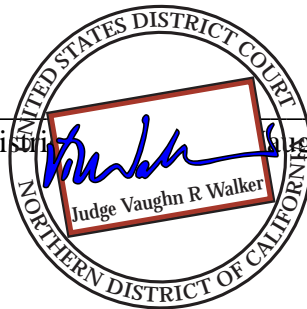
Attorney for Defendants Poplar Villas, LLC dba Isis  
and Sanford, Poplar Villas, LLC dba Isis Food, Isis  
Food Company, and Hussein Tawfik

1 **IT IS SO ORDERED.** The Order of Dismissal entered on June 22, 2010, is vacated.

2 August 13, 2010

3 Date: ~~July~~ August, 2010

4 U.S. District Judge Vaughn R. Walker



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